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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,325	12/21/2000	Lanny Gilbert	36968/248469	1704

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EXAMINER
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LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/746,325

Applicant(s)

GILBERT, LANNY

Examiner

Arrienne M. Lezak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 April 2005 has been entered. Examiner notes that Claims 1, 9, 16 & 20 have been amended, and no Claims have been cancelled or newly added since issuance of the prior Office Action. Claims not explicitly addressed herein are found to be addressed within prior Office Action dated 13 January 2005 as reiterated herein below.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Newly Amended Claims 1, 9, 16 & 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, Examiner finds that there is no support in

the specification for "the machine of the particular user does not have access to the cookie management system". For support, Applicant points to pages 4-5 in the specification, which pages note nothing about the user not having access, in fact, said pages of the specification clearly note the opposite on p. 5, lines 12-13, wherein it clearly reads, "one way in which users can have control is by the user directly providing the information to the cookie management system". Thus, Examiner requires the aforementioned amended claim language to be removed. For purposes of examination, the claims will be examined without the claim language "the machine of the particular user does not have access to the cookie management system".

4. Newly Amended Claims 1, 9, 16 & 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Thus, for the reasons noted herein above, Applicant has not shown that the newly amended claim language, "the machine of the particular user does not have access to the cookie management system", is what Applicant has invented as the same is absent from the specification. For purposes of examination, the claims will be examined without the claim language "the machine of the particular user does not have access to the cookie management system".

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Passport <sup>TM</sup> in view of US Patent 5,966,705 to Koneru.

7. Regarding Newly Amended Claims 1, 9 & 16 and original Claims 12-14 & 17, Microsoft Passport <sup>TM</sup> discloses a system and method for providing information on a plurality of requestors over the Internet, ("Microsoft Passport: Streamlining Commerce and Communication on the Web", October 11, 1999 article – Examiner numbered p.18), comprising:

- storing information on the plurality of users in a database located on a cookie management system web server and associating the information with a plurality of keys, (Passports), wherein keys, (Passports), are assigned, (created), for the user by an assigning functionality, (per pending Claim 17), ("Microsoft Passport is committed to Safeguarding Security and Privacy" – Examiner numbered p.13-15);
- receiving a request at the cookie management system web server for information on a particular user from one of the requestors over the

- Internet, ("Microsoft Passport is committed to Safeguarding Security and Privacy" – Examiner numbered p.13-15);
- receiving a key corresponding to user data associated with the request at the cookie management system web server from the requestor over the Internet, the key associated with the request included in a cookie on a machine of the particular user wherein the key associated with the request was retrieved from the machine of the particular user by the requestor, (per pending Claim 12), ("Microsoft Passport is committed to Safeguarding Security and Privacy" – Examiner numbered p.13-15);
  - using the key(s) associated with the request to retrieve the information on that particular user from the database, (per pending Claim 13), ("Microsoft Passport is committed to Safeguarding Security and Privacy" – Examiner numbered p.13-15);
  - forwarding the information on that particular user to the one requestor over the Internet, ("Microsoft Passport is committed to Safeguarding Security and Privacy" – Examiner numbered p.13-15);
  - wherein receiving a request from a second user's machine, checking for a cookie on the second user's machine, sending a query for an available key when the second user's machine does not contain any cookie, and placing the cookie with the available key on the second user's machine, (first-time sign-in), (per pending Claim 14), ("Microsoft Passport is

committed to Safeguarding Security and Privacy” – Examiner numbered p.13-15).

8. Though Microsoft Passport <sup>TM</sup> teaches the use of cookies, (“Microsoft Passport is committed to Safeguarding Security and Privacy” – Examiner numbered p. 7 & 15), Microsoft specifies that when a user chooses to “sign-out” of Passport, all Passport-related cookies from all Passport Web sites are deleted to insure unauthorized people are not able to access member information from the same computer. In other words, though Microsoft Passport <sup>TM</sup> teaches temporary cookie storage on the client, it does not specifically teach permanent cookie storage on the client.

9. Koneru discloses a “globally unique identifier”, (GUID), created by a server when a user first accesses a website and stored on the client computer as a “cookie”. Upon user return to the website, the browser searches local storage to determine if it has a cookie for that website. If so, the browser transmits the cookie to the server, (Col. 2, lines 12-67 and Col. 3, lines 1-10). Koneru further discloses use of the GUID which also prompts the user for user ID and password information, which the system stores as a cookie which user ID and password information is subsequently received by a website each time the user passes the cookie to the website, (Col. 2, lines 12-67 and Col. 3, lines 1-10). Moreover, Examiner notes, (per the amended claims), that Koneru specifically teaches Applicant’s claim limitations, including server-to-server communications wherein the web server database is accessed using the token received from the client, (Koneru – Claims 1-25; particularly Claims 1-11).

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10. It would have been obvious to one of ordinary skill in the art at the time of invention by Applicant to substitute the Koneru method of permanent storage of cookie data on the client within the Microsoft Passport <sup>TM</sup> system. The motivation to combine is found within the Microsoft Passport <sup>TM</sup> use of cookies generally and in the fact that should a member client not sign off or close the browser, said Passport-related cookies in theory are never deleted. For reasons of security, Microsoft Passport <sup>TM</sup> teaches the destruction of cookie data on the client machine, however, retention of the same would have been an obvious, albeit less secure variation. Thus, Newly Amended Claims 1, 9 & 16 and original Claims 12-14 & 17 are found to be unpatentable over the combined teachings of Microsoft Passport <sup>TM</sup> in view of Koneru.

11. Regarding Claims 2 & 3, the combined teachings of Microsoft Passport <sup>TM</sup> in view of Koneru are relied upon as noted herein. As noted above, Microsoft Passport <sup>TM</sup> discloses the storing of information as a different key(s) (Passport(s)) for each user, wherein the different keys may represent multiple sets of information pertaining to the same user, ("Microsoft Passport is committed to Safeguarding Security and Privacy" – Examiner numbered p.13-15). Examiner notes that within Microsoft Passport <sup>TM</sup>, a user may create multiple Passports using multiple sets of information. Thus, Claims 2 & 3 are found to be unpatentable over the combined teachings of Microsoft Passport <sup>TM</sup> in view of Koneru with motivation to combine as noted herein above relative to Claims 1, 9, 12-14, 16 and 17.

12. Regarding Claims 4, 5, 11 & 19, the combined teachings of Microsoft Passport <sup>TM</sup> in view of Koneru are relied upon as noted herein. Microsoft Passport <sup>TM</sup> further



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discloses a security means wherein a requestor must be authorized by the user in order to obtain information about the same, (per pending Claims 4, 11 & 19), ("Microsoft Passport is committed to Safeguarding Security and Privacy" – Examiner numbered p.13-15). Examiner finds that the use of a user-supplied password, (per pending Claims 5 & 11), would have been obvious in view of the fact that Microsoft Passport <sup>TM</sup> does not allow access to user information without user-controlled authorization, which authorization would obviously include a user-supplied password verification means. Thus, Claims 4, 5, 11 & 19 are found to be unpatentable over the combined teachings of Microsoft Passport <sup>TM</sup> in view of Koneru with motivation to combine as noted herein above relative to Claims 1, 9, 12-14, 16 and 17.

13. Regarding Claims 6, 10 and Newly Amended Claim 20, the combined teachings of Microsoft Passport <sup>TM</sup> in view of Koneru are relied upon as noted herein. Koneru further discloses the use of ActiveX controls, Java applets and VB Scripts as inserted into HTML documents, (Col. 1, lines 39-46). As Koneru utilizes HTML, Examiner finds that the use of XML for the sending/forwarding of information by the cookie management system would have been obvious. Thus, Claims 6, 10 & Newly Amended Claim 20 are found to be unpatentable over the combined teachings of Microsoft Passport <sup>TM</sup> in view of Koneru with motivation to combine as noted herein above relative to Claims 1, 9, 12-14, 16 and 17.

14. Regarding Claims 7, 15 and 18, the combined teachings of Microsoft Passport <sup>TM</sup> in view of Koneru are relied upon as noted herein. Microsoft Passport <sup>TM</sup> further discloses the receiving of new information on the user from the requestor and updating

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the database with the new information, ("Microsoft Passport is committed to Safeguarding Security and Privacy" – Examiner numbered p.13-16). Examiner notes that a user may update Passport profile information at any time. Moreover, Examiner finds that emails sent on behalf of participating websites could obviously include requests for additional or updated user information for a variety of purposes, which could obviously be used to update or enhance user information. Thus, Examiner finds that it would have been obvious for a user or administrator to update user information per the respective user or website request. Thus, Claims 7, 15 and 18 are found to be unpatentable over the combined teachings of Microsoft Passport <sup>TM</sup> in view of Koneru with motivation to combine as noted herein above relative to Claims 1, 9, 12-14, 16 and 17.

15. Regarding Claim 8, the combined teachings of Microsoft Passport <sup>TM</sup> in view of Koneru are relied upon as noted herein. As noted above, Microsoft Passport <sup>TM</sup> selects, (creates), an available key, (Passport), for the user and supplies the same to the requestor for communication with the user. Moreover, it is also noted above that within Microsoft Passport <sup>TM</sup>, said keys are only temporarily stored on the user's machine as cookies, whereas, the permanent storage of cookies on a user machine is taught by Koneru. The motivation to combine the teachings of Microsoft Passport <sup>TM</sup> with the cookie storage functionality of Koneru is also noted herein above relative to Claims 1, 9, 12-14, 16 and 17. Thus, Claim 8 is found to be unpatentable over the combined teachings of Microsoft Passport <sup>TM</sup> in view of Koneru.

***Response to Arguments***

16. Applicant's arguments filed 12 April 2005, have been fully considered but they are not persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

17. In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As noted herein above, Examiner finds that all claim limitations, (both originally presented and newly amended), are rendered obvious in view of the combined teachings of Microsoft Passport <sup>TM</sup> and Koneru.

18. In response to Applicant's arguments that Microsoft Passport and Koneru do not teach "the machine of the particular user does not have access to the cookie management system", Examiner reiterates that the amended claim language has been rejected as not finding support within the specification. Moreover, per Applicant's addition of the phrase "cookie management system" to the claim language, Examiner points out that Applicant has admitted the following, "Microsoft Passport also teaches that there is direct communication (access) between the passport server (cookie management system) and the user machine (machine of the particular user)", (12 April

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2005 RCE Remarks section, p.6, lines 16-18), which admission clearly encompasses the newly amended claim language, rendering the same unpatentable.

19. Thus, as Examiner has completely addressed Applicant's amendment, and finding Applicant's arguments do not show how Applicant's amendment avoids such references or objections, Examiner hereby maintains the rejection of the originally presented claims in their entirety. Further, Examiner has addressed Applicant's amendment, and has additionally rejected Newly Amended Claims 1, 9, 16 & 20.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

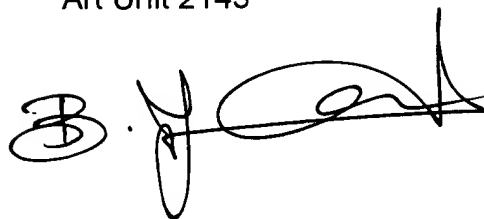
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Arrienne M. Lezak  
Examiner  
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A handwritten signature in black ink, appearing to read "B. Lezak", with a stylized flourish at the end.